IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF
FLORIDA, MIAMI DIVISION.

No. 76-371-Cr-CA

UNITED STATES OF AMERICA :

v. :

BENJAMIN FRANKLIN THOMAS, :
GERALD PATRICK HEMMING, :
JOSEPH THOMAS GIUVETI, :
JACOB COCHRAN :

Defendants :

MOTION FOR PRODUCTION OF FAVORABLE EVIDENCE

Comes now the defendant, Gerald Patrick Hemming, and files this motion for the production of favorable evidence, to wit:

1. Copies of all files, memorandums, and reports referred to in defendant's letter of 27 August 1975 to the Director, Federal Bureau of Investigation, to include that already sent to defendant via the United States Army Intelligence Agency, Fort Meade, Maryland reference letter and document sent by Thomas F. Conley, Chief, Freedom of Information Center (IHIA-CAF, Fort Meade, Maryland dated 4 October 1976) as these incomplete and barely legible intelligence reports cover only a limited period of defendant's activities in the Republic of Cuba.

2. Copies of all files both classified and unclassified now held in the National Archives, Washington, D.C., included within those documents known as the Warren Commission Report on the Assassination of President John F. Kennedy, especially documents 759 through and including 784 (C.D. 759 through C.D. 784, inclusive).

3. All reports, memorandums, and documents submitted by the defendant to the Central Intelligence Agency from the period October, 1960 through and including September, 1970, especially those to be found in the files titled OPERATION MONGOOSE, OPERATION FORTY, and ZR/RIFLE.

4. All items of evidence and including the transcript of the 1964 federal case tried in the United States District Court, Southern Distric of Florida, Miami, Florida, titled UNITED STATES v. MUNITIONS OF WAR & OTHER ARTICLES, U.S.D.C. Case No. 63-687-Civil-DD.

5. All reports, documents, and memorandums transmitted by the Central Intelligence Agency to then Assistant U. S. Attorney Robert C. Josefsberg reference an investigation of alleged perjury relating to the same U.S.D.C. Case No. 63-687-Civil-DD.

6. All records, documents, reports, and evidence held by Central Intelligence Agency, Federal Bureau of Investigation, and other agencies relating to the defendant's activities as an investigator reference ANDRES CASTRO AND BELL MORTGAGE ET AL. v. UNITED STATES CENTRAL INTELLIGENCE AGENCY, WILLIAM E. COLBY, JAMES SCHLESINGER, RICHARD HELMS, ET AL.

7. All reports, records, and files held by the Federal Bureau of Investigation, Central Intelligence Agency and other agencies reference to activities of the defendant acting as an investigator concerning alleged Central Intelligence Agency activities involving divers conspiracies on the parts of John O'Hare AKA Colonel Gray, John Kern, and former Treasury Agent Kennard Smith.

8. All reports of investigation, files, and evidence including that submitted during the August, 1976 federal trial titled UNITED STATES v. WILLIAM BELL, MITCHELL L. WER BELL III, ET AL. that refer to the defendant under his legal name and/or under the pseudonyms Gerry Patrick or Patrick.

9. All reports, files, and documents held by Central Intelligence Agency, Federal Bureau of Investigation, Department of State, and other agencies reference to the defendant's employment during the calendar year 1966 under Contract NBy-71005, Support Facilities, Phase I, Ascension Island, in connection with United States Air Force Down Range Guided Missile Program, especially those that refer to Central Intelligence Agency and United States Armed Forces support of both government and insurgent forces within the then Republic of the Congo (Leopoldville) now known as Republic of Zaire.

10. All reports, files, and memorandums held by Central Intelligence Agency, Federal Bureau of Investigation, and Department of State reference defendant's activities during the calendar years 1971 and 1972, inclusive, within the Republic of Guatemala, especially those that refer to Guatemalan Secretary of Congress Oliverio Castanieda Paiz and his assassination in May, 1972.

11. All reports, files, and memorandums held by Central Intelligence Agency, Federal Bureau of Investigation, and Department of State that refer to defendant's alleged connection with a conspiracy to assassinate the then President of Costa Rica, the Honorable Jose Figueres, allegedly directed by the late Oliverio Castanieda Paiz and other members of the Guatemalan government during the calendar year 1972, especially those that might be titled OPERATION CACTUS, OPERATION COYOTE, and/or OPERATION BAMBU.

12. All reports, files, and documents held by Central Intelligence Agency, Federal Bureau of Investigation, and Department of State that refer to the defendant's participation in an alleged conspiracy to rescue from deportation from the United States, of the former President of Venezuela, Perez Jimenez.

13. All documents, files, and memorandums held by the U. S. Customs Service reference to the defendant's participation as an undercover agent of U. S. Customs during a conspiracy to illegally import diamonds, counterfeit currency, and other items by a then member of the Miami Consular Corps representing a Central American nation through use of diplomatic pouch or other means, and especially those that refer to an undercover U. S. Customs informant assigned by Director, U. S. Customs, Miami, to assist the defendant during that investigation which was carried out during calendar year 1963.

14. All files, documents, memorandums held by Central Intelligence Agency, Federal Bureau of Investigation, Department of State, U. S. Customs, and other agencies reference to defendant's accepting employment with the U. S. Department of State, Agency for International Development (Public Safety Division) during calendar year 1967.

15. All files, memorandums, documents, and reports submitted by the defendant to the Bureau of Narcotics and Dangerous Drugs during calendar year 1969 with the Los Angeles County (California) Sheriff's Department as the intermediary that refer to certain militant organizations smuggling heroin and opium derivatives concealed in military caskets, casket linings, and sewn within the bodies of deceased members of the United States Armed Forces being returned for burial within the United States, especially the report referring to the arrest of an individual found to be unlawfully

impersonating and wearing the uniform of a branch of the U. S. Armed Forces, said arrest taking place at MacGuire Air Force Base, New Jersey during calendar year 1972.

16. All files, documents, and memorandums held by Central Intelligence Agency, Federal Bureau of Investigation, U. S. Treasury Department, and other agencies that refer to the defendant's activities within Los Angeles County, California during calendar years 1967, 1968, 1969, and 1970, inclusive, especially those activities involving terrorist activities, bombings, and conspiracies by militant groups specifically the case involving a certain Donald Freed, who was charged with illegal possession of destructive devices, to wit: fragmentation hand grenades.

17. All files, documents, and memorandums now under the control of the United States Air Force, to include Intelligence Division and Office of Special Investigations, specifically those that relate to an intelligence training film wherein the defendant is described by the narrator as a member of a group of Central Intelligence Agency operatives training guerillas in Latin America, specifically the film used as a training aid at the Intelligence School, Norton Air Force Base, California during the calendar years 1974 and 1975, inclusive.

18. All files, documents, and memorandums now in the possession of U. S. Department of Treasury (Secret Service Division) that refer to the defendant's giving information relevant to an alleged conspiracy to endanger the life of then President Richard M. Nixon at Key Biscayne, Miami, Florida during the calendar year 1970, especially the memorandum delivered to Special Agent Joseph Casquez of the Miami Secret Service Office, (Protective Research), said memorandum initiated by operatives of the U. S. government unknown to the defendant.

19. All reports, files, and memorandums held by the Federal Bureau of Investigation that refer to an investigation concerning a request for information by Special Agent Robert Dwyer of the Miami Field Office, Federal Bureau of Investigation referencing an associate of Frank Sturgis, said associate known as Ed Kyser during calendar years 1971 and 1972, inclusive.

20. All reports, files, and memorandums held by Central Intelligence Agency, Federal Bureau of Investigation, Department of State, and other agencies that refer to an investigation conducted by various U. S. government agencies concerning the activities of the defendant and a Florida corporation, titled Parabellum Corporation, that involved meetings and alleged conspiracies by Mitchell L. WerBell III, Stuart Graydon, and other persons unknown to the defendant, at the residence of Robert L. Vesco in San Jose, Costa Rica, Central America during the calendar year 1974.

21. All reports, files, and memorandums held by the Drug Enforcement Administration that refer to a meeting and telephone conversations both in Miami, Florida and Washington, D.C. between the defendant and Colonel Lucien Conein of Special Operations Division, Drug Enforcement Administration.

22. All reports, files, memorandums, telephone communications intercepts, and recordings held by Central Intelligence Agency, Federal Bureau of Investigation, Department of State, and Organized Crime Bureau of the Dade County (Florida) Department of Public Safety, specifically those in the possession of Deputy Sheriff Raul Diaz and Major Bertucelli that refer to the defendant and his investigation of terrorist activities, threats, and bombings, and the recruiting of mercenaries for a foreign conflict that might have been inspected by or utilized by Federal Agents, during the investigation of the present alleged conspiracy, in which the defendant is presently accused of participating.

23. All transcripts of intercepted communications by radio, mobile radiotelephone, and international telephone systems held by the National Security Agency wherein the defendant is one of the speakers in the conversations, especially those that may have been intercepted by the National Security Agency operating through the facilities of A.T.&T.-I.T.T. located near Card Sound, South Florida during the calendar years 1972 to and including 1976.

24. All reports, files, and memorandums in the possession of the Central Intelligence Agency that refer to activities of the defendant and his alleged relationship with the so-called Central Intelligence Agency proprietary corporations, to wit: Zenith Technical Corporation, Gibraltar Steamship Corporation, Double-Chek Corporation, Radio Americas, Radio Swan, Intermountain

Air Service, Southern Air Transport, Wyckliffe Bible Institute, American Doctor (AMDOC), VITA, Paragon Air Service, Ayerventures, Caribbean Air Services, and Caribbean Marine Services (CARAMAR).

Defendant requests this information based on his knowledge of the existence of the aforementioned documents and material and requires this information to prepare an adequate defense.

Wherefore the defendant requests the court grant an order requiring the United States Attorney to provide said evidence and/or information prior to trial.

Respectfully submitted at Miami, Florida this 14th day of October, 1976.

Gerald P. Hemmingway

Acting as Pro Se Counsel in his defe